

Ronald J. Fisher
fisher@braunhagey.com

April 22, 2020

VIA ECF

The Honorable Martin Glenn
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, NY 10004

**Re: Declination to Mediation; Lee Alexander Bressler (“Debtor”) – Chapter 7 –
Case No. 18-13098 (MG)**

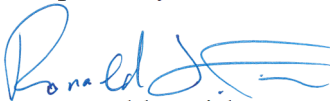
Your Honor:

On behalf of the Carbon Parties, we write in accordance with the Court’s direction during the hearing of April 20, 2020. Carbon respectfully does not believe mediation will be productive at this time and requests that the Court issue its ruling on summary judgment.

As the Court is aware, Carbon has attempted to settle its claims with Debtor on at least five occasions. Our client is unwilling to expend further resources attempting to do so without the rational conditions previously agreed to by Debtor three weeks ago: that Debtor and his trusts provide certified accountings of all trust assets and transfers; that Debtors’ trusts and relevant trustees (including his sister) and his spouse actively participate in the mediation as interested parties; and that Debtor’s East Hamptons property be rented to ensure preservation of estate assets.

For whatever reason, Debtor no longer agrees to abide by these terms. Carbon accordingly requests that the Court resolve its pending motion for summary judgment based on the undisputed evidence of Debtor’s destruction of financial information and other documents relevant to his estate.

Respectfully submitted,


Ronald J. Fisher

San Francisco

351 California Street, 10th Floor
San Francisco, CA 94104
Tel. & Fax: (415) 599-0210

New York

7 Times Square, 27th Floor
New York, NY 10036-6524
Tel. & Fax: (646) 829-9403

April 22, 2020
Page 2

Cc: All Via E-mail

Kenneth Silverman, Esq.
Ronald Friedman, Esq.
Counsel for Debtor Lee A. Bressler

Gary Herbst, Esq.
David Blansky, Esq.
Counsel for Gregory Messer as Chapter 7 Trustee